

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

HENRY NARANJO and
MARLENE RAMIREZ,

Plaintiffs,

vs.

STEPHEN BYRONS SMITH
and PALMER JOHNSON, INC.

Defendants.

CASE NO.: 00-6022-CIV-LENARD
MAGISTRATE: JUDGE TURNOFF

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U.S. DISTRICT COURT
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PLAINTIFF'S NOTICE OF TAKING DEPOSITION DUCE TECUM
(DOCUMENTS AND THINGS CAN BE MAILED IN LIEU OF DEPOSITION)

TO: F. David Famulari, Esq.
Co-Counsel for Plaintiffs
Underwood, Karcher & Karcher, P.A.
9th Floor, Grove Plaza Building
2900 S.W. 28th Terrace
Miami, Florida 33133
Tel: (305) 446-2300
Fax: (305) 446-5858

Frank J. Sioli, Esq.
Attorneys for PALMER JOHNSON, INC.
VALLE & CRAIG, P.A.
80 SW 8th Street, Suite 2520
Miami, Florida 33130
Tel: (305) 373-2888
Fax: (305) 373-2889

David L. Weber, Esq.
Co-Counsel for PALMER JOHNSON, INC.
Pinkert Law Firm LLP
454 Kentucky Street
P.O. Box 89
Sturgeon Bay, WI 54235
Tel: (920) 743-6505
Fax: (920) 743-2041

John D. Kallen, Esq.
BADIAK, WILL & KALLEN
Attorneys for STEPHEN BYRON SMITH
17071 West Dixie Highway
North Miami Beach, FL 33160
Tel: (305) 945-1851
Fax: (305) 944-8780

TAKE NOTICE that the undersigned attorneys will take the deposition of:

Name & Address: Records Custodian of Tom Fexas Yacht Design, Inc.
1519 S.W. Dyer Point Road
Palm City, Florida 33490

1320 South Federal Highway, Suite 104
Stuart, Florida 34994

Date & Time : Tuesday, February 6, 2001 at 1:00 p.m.

6/10/01

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Place : **RIVKIND & PEDRAZA, P.A.**
Sixth Floor, Concord Building
66 West Flagler Street
Miami, Florida 33130

Upon oral examination pursuant to Rule 30, Federal Rules of Civil Procedure, before Mocega & Associates, court reporters, or any other Notary Public or officer authorized by law to take depositions in the State of Florida. The oral examination will be recorded stenographically and continue from day to day until completed. The deposition will be taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure.

Pursuant to Rule 30, Federal Rules of Civil Procedure, the witness is requested to bring with him/her or produce at this deposition the following described material, documents, and records:

The originals of any and all materials and tangible things in the possession, custody, or control of the above identified deponent, in either his or her individual capacity as it pertains to the within cause(s):


1. Any and all documents, blue prints, naval architect plans, Balast plans, cement pouring schedule, construction plans, design plans, modifications, all surveys, surveyor reports for the motor yacht "CAPTIVATOR", Hull No. 190.
2. All correspondence between Palmer Johnson and Tom Fexas and/or Tom Fexas Yacht Design Inc., all correspondence between Tom Fexas and/or Tom Fexas Yacht Design Inc., and Bruce Cohen, all correspondence between Tom Fexas and/or Tom Fexas Design Inc., and any other person or entity as it pertains to the 10 foot cockpit extension for the motor yacht "CAPTIVATOR" Hull No. 190.
3. All change orders, contracts, invoices, bills for services rendered, service contracts, fee schedules, cancelled checks evidencing partial payments for the cock pit extension. Cancelled checks evidencing complete payment for the cock pit extension as it pertains to the 10 foot cockpit extension for the motor yacht "CAPTIVATOR" Hull No. 190.

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4. All blue prints naval architect plans, Balast plans, cement pouring schedule, construction plans, design plans, modifications, all surveys, surveyor reports for the cockpit extension for the motor yacht "CAPTIVATOR", Hull No. 190.
5. All photographs, diagrams, schematics, sketches, notes, hand written notes, computer notes, type notes, videos as they pertain to the 72 foot Palmer Johnson motor yacht "CAPTIVATOR".

Respectfully Submitted,


RIVKIND & PEDRAZA, P.A.
Attorneys for Plaintiffs
Concord Building, Sixth Floor
66 West Flagler Street
Miami, Florida 33130
Telephone: (305) 374-0565
Facsimile : (305) 539-8341

By: 
MANUEL VALDES, ESQ.
Fla. Bar No.: 13307

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed on this 3 day of January, 2001 to all the above named attorneys on record.

RIVKIND & PEDRAZA, P.A.
Attorneys for Plaintiffs
Concord Building, Sixth Floor
66 West Flagler Street
Miami, Florida 33130
Telephone: (305) 374-0565
Facsimile : (305) 539-8341

By: 
MANUEL VALDES, ESQ.
Fla. Bar No.: 13307

cc: Mocega & Associates
25 S.E. 2nd Avenue, Suite #543
Miami, Florida 33131
Tel: (305) 374-0181
Fax: (305) 374-4169